

The House Committee on Judiciary Non-civil offers the following substitute to HB 177:

A BILL TO BE ENTITLED  
AN ACT

To amend Article 14 of Chapter 1 of Title 10 and Code Section 16-8-12 of the Official Code of Georgia Annotated, relating to secondary metals recyclers and penalties for certain theft crimes, respectively, so as to provide for the regulation of theft of regulated metal property; to change definitions; to change provisions relating to transaction records; to provide for availability of records of law enforcement; to regulate payments to persons selling copper or catalytic converters to secondary metals recyclers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Article 14 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to secondary metals recyclers, is amended by revising paragraph (5) of Code Section 10-1-350, relating to definitions, as follows:

"(5) 'Personal identification card' means a current and unexpired driver's license or identification card issued by the Department of Driver Services or a similar card issued by another state, a military identification card, a passport, or an appropriate work authorization issued by the U.S. Citizenship and Immigration Services of the Department of Homeland Security, which shall contain the individual's name, address, and photograph."

**SECTION 2.**

Said article is further amended by revising Code Section 10-1-351, relating to record of transactions, as follows:

"10-1-351.

(a) A secondary metals recycler shall maintain a legible record of all purchase transactions to which such secondary metals recycler is a party. Such record shall include the following information:

(1) The name and address of the secondary metals recycler;

(2) The date of the transaction;

(3) The weight, quantity, or volume and a description of the type of regulated metal property purchased in a purchase transaction. For purposes of this paragraph, the term 'type of regulated metal property' shall include a general physical description, such as wire, tubing, extrusions, or castings;

(4) The amount of consideration given in a purchase transaction for the regulated metal property;

(5) A signed statement from the person receiving consideration in the purchase transaction stating that he or she is the rightful owner of the regulated metal property or is entitled to sell the regulated metal property being sold;

(6) ~~The name and address~~ A copy of a valid personal identification card of the person delivering the regulated metal property to the secondary metals recycler;

(7) The distinctive number from, and type of, the personal identification card of the person delivering the regulated metal property to the secondary metals recycler; ~~and~~

(8) The vehicle license tag number, state of issue, and the type of vehicle, if available, used to deliver the regulated metal property to the secondary metals recycler. For purposes of this paragraph, the term 'type of vehicle' shall mean an automobile, pickup truck, van, or truck; and

(9) A dated time-stamped photograph of the purchased metal property.

(b) A secondary metals recycler shall maintain or cause to be maintained the information required by subsection (a) of this Code section for not less than two years from the date of the purchase transaction.

(c) The records required by this Code section shall be open to the inspection of any duly authorized law enforcement officer during the ordinary hours of business."

### SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"10-1-352.1.

(a) For purposes of this Code section, the term 'copper property' means any copper wire, copper tubing, copper pipe, or any item composed completely of copper.

(b) A secondary metals recycler may pay cash for any copper property or catalytic converter only if the amount of the consideration of such item or items is \$25.00 or less.

Payment for any copper property or catalytic converter exceeding the value of \$25.00 shall be issued by check. Such check shall be payable only to the person named in paragraph (6) of subsection (a) of Code Section 10-1-351 and shall be transmitted to such person providing identification as required in paragraph (6) of subsection (a) of Code Section 10-1-351; provided, however, that if such person is delivering the copper property or catalytic converter on behalf of a governmental entity or a nonprofit or for profit business, the check may be payable to such business or entity and may also be transmitted to such business or entity.

#### SECTION 4.

Code Section 16-8-12 of the Official Code of Georgia Annotated, relating to penalties for violation of Code Sections 16-8-2 through 16-8-9, is amended by revising paragraph (9) of subsection (a) as follows:

"(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ferrous metals or regulated metal property, as such terms are defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or removal of such regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor more than five years, a fine of not more than \$5,000.00, or both."

#### SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.